

REMARKS

Claims 1-28 and 30 are pending in the application. Independent claims 1, 12, 15, 25, 28, and 30 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTIONS OF CLAIMS 1-28 AND 30 UNDER 35 U.S.C. § 103

Claims 1-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,052,375 ("Bass") in view of U.S. Patent No. 5,463,620 ("Sriram"). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejections is respectfully requested.

The claimed invention relates to apparatus/methods for controlling data flow through a network using a plurality of time-based queues. Independent claim 1 requires, *inter alia*, that "each time-based queue is set to dequeue all of its contents at a separate time, *every time that a specified increment of time elapses*." Other independent claims 12, 15, 25, 28, and 30 require recitations similar to those of independent claim 1. Support for the amendments is found at, for example, page 2, line 21 - page 3, line 2; page 5, line 24 - page 6, line 10; and page 7, lines 12-20 of the present specification. No new matter has been introduced by the amendments.

None of the cited references teach or suggest the above-identified claimed feature, i.e., each time-based queue is set to dequeue all of its contents ... *every time that a specified increment of time elapses*. In the current action, the Sriram patent is cited as presenting a system in which a queue is set to dequeue *all of its contents* at a particular time. Sriram Figure 7 (item 68) and column 9, lines 33-36 are cited for this. The relevant description in Sriram reads as follows:

... block 68 causes a predetermined number m_i of cells to be extracted from the i th queue and transmitted on the output link 28. ($m_i = T_i / \tau$ where T_i is the time slice allocated to queue i and τ is the cell transmission time.) If there are less than m_i cells in the i th queue then cells are extracted and transmitted until the i th queue is empty. When m_i cells have been transmitted or the i th queue has been emptied, the index i is incremented by one in block 68

Thus, the cited portion of the Sriram patent does not suggest that a queue is set to dequeue *all* of its contents *every time* that a specified increment of time elapses. As described by Sriram, m_i cells are extracted unless there are fewer than m_i cells, in which case the queue is emptied. Therefore, in the Sriram system, extracting all the contents of the queue does not

happen *every time that a specified increment of time elapses* as claimed. Accordingly, Sriram cannot be said to suggest the claimed invention.

The Office Action cited column 5, line 65 - column 6, line 3 of the Bass patent as describing a time-based queue. However, Applicants respectfully submit that the cited portion fails to teach the above-identified claimed feature. The Bass patent describes that the DMA channel services all the high priority queues first, followed by all the low priority queues (column 5, line 65 - column 6, line 3). A careful review of the cited section indicate that this description is not relevant to the claimed invention because it does not explain how much content is dequeued and when such content is dequeued from either the high or low priority queues. Rather, the Bass patent merely shows a category-based order in which queues in one category are treated differently from other queues in another category. It does not suggest in any way, either explicitly or implicitly, dequeuing all of the contents of a queue *every time that a specified increment of time elapses*, as claimed. Therefore, the Bass patent fails to cure the deficiencies of the Sriram patent.

For at least the reasons set forth above, the invention defined in independent claims 1, 12, 15, 25, 28, and 30, and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

III. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner has any continuing concerns about patentability of the claimed invention, he is encouraged to telephone the undersigned at 510-663-1100, ext 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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